

**BURNS DOANE****BURNS DOANE SWECKER & MATHIS LLP**  
INTELLECTUAL PROPERTY LAW**Burns, Doane, Swecker & Mathis, L.L.P.**  
Suite 500  
1737 King Street  
Alexandria, Virginia 22314-2727  
Telephone: +1.703.836.6620  
Group 3 Fax: +1.703.836.2021  
Group 4 Fax: +1.703.836.0028  
www.burnsdoane.com

## Facsimile Cover

The information contained in this facsimile message is or may be attorney-client privileged and contains confidential information intended only for the use of the recipient(s) named below and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it. Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Date: July 15, 2004

**TO: Examiner Vickie Kim****Fax Number: 571-273-0579****Company: USPTO****Telephone: 571-272-0579****Your Reference: U.S. Serial No. 09/981,751****FROM: Norman H. Stepno****Telephone: 703-838-6504****Our Reference: 016800-461****Sent By: Janice Fulmer****Number of Pages 3**  
**Including Cover:**

Message

**ICIAL****RECEIVED**  
**CENTRAL FAX CENTER****AUG 04 2004**

Patent  
Attorney Docket No. 016800-461

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Patent Application of

Lionel Brenton et al.

Application No.: 09/981,751

Filing Date: October 19, 2001

Title: TREATING SKIN WRINKLES/FINE LINES WITH CALCIUM CHANNEL INHIBITORS

Group Art Unit: 1614

Examiner: Vickie Y. Kim

Confirmation No.: 6150

## SUBMISSION OF TERMINAL DISCLAIMER

RECEIVED  
CENTRAL FAX CENTER

AUG 04 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The requisite fee is ☐ \$55.00 (2814) ☒ \$110.00 (1814) .☒ Charge \$ 110.00 to Deposit Account No. 02-4800 for the fee due.☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

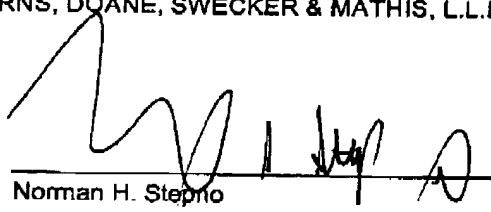
This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

By

  
Norman H. Stepien  
Registration No. 22,716Date: July 15, 2004BURNS DOANE  
BURNS DOANE SWECKER & MATHIS LLP  
INTELLECTUAL PROPERTY LAW

SUBMISSION OF TERMINAL DISCLAIMER

(6/04)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
 REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
 016800-461

In re Patent Application of: Lionel Brenton et al.

Application No.: 09/981,751

Filed: October 19, 2001

For: TREATING SKIN WRINKLES/FINE LINES WITH CALCIUM CHANNEL INHIBITORS

The owner\*, Societe L'Oreal S.A.

of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,344,461. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

July 15, 2004  
 Date

Norman H. Stepno, (Reg. No. 22,716)

Typed or printed name

(703) 836-6620

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/95 may be used for making this statement. See MPEP § 324.